

AMENDED IN ASSEMBLY MAY 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1886**

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**Introduced by Assembly Member McCarty**  
**(Principal coauthors: Assembly Members Bloom and Gonzalez)**

February 11, 2016

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An act to amend ~~Section 21155~~ *Sections 21155 and 21155.2* of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1886, as amended, McCarty. California Environmental Quality Act: transit priority projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report ~~(EIR)~~ on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA *provides for limited CEQA review or* exempts from its requirements transit priority projects meeting certain requirements, including the requirement that the project be within ½ mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. CEQA specifies that a project is considered to be within ½ mile of a major transit stop or high-quality transit corridor if,

among other things, all parcels within the project have no more than 25% of their area farther than ½ mile from the stop or corridor.

~~This bill~~ *bill, for a transit priority project to meet the requirements for limited CEQA review*, would increase that percentage to 50%.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21155 of the Public Resources Code is  
2 amended to read:

3 21155. (a) This chapter applies only to a transit priority project  
4 that is consistent with the general use designation, density, building  
5 intensity, and applicable policies specified for the project area in  
6 either a sustainable communities strategy or an alternative planning  
7 strategy, for which the State Air Resources Board, pursuant to  
8 subparagraph (H) of paragraph (2) of subdivision (b) of Section  
9 65080 of the Government Code, has accepted a metropolitan  
10 planning organization's determination that the sustainable  
11 communities strategy or the alternative planning strategy would,  
12 if implemented, achieve the greenhouse gas emission reduction  
13 targets.

14 (b) For purposes of this chapter, a transit priority project shall  
15 (1) contain at least 50 percent residential use, based on total  
16 building square footage and, if the project contains between 26  
17 percent and 50 percent nonresidential uses, a floor area ratio of  
18 not less than 0.75; (2) provide a minimum net density of at least  
19 20 dwelling units per acre; and (3) be within one-half mile of a  
20 major transit stop or high-quality transit corridor included in a  
21 regional transportation plan. A major transit stop is as defined in  
22 Section 21064.3, except that, for purposes of this section, it also  
23 includes major transit stops that are included in the applicable  
24 regional transportation plan. For purposes of this ~~section~~, *chapter*,  
25 a high-quality transit corridor means a corridor with fixed route  
26 bus service with service intervals no longer than 15 minutes during  
27 peak commute hours. ~~Except as provided in subdivision (a) of~~  
28 *Section 21155.2*, a project shall be considered to be within one-half  
29 mile of a major transit stop or high-quality transit corridor if all  
30 parcels within the project have no more than ~~50~~ 25 percent of their  
31 area farther than one-half mile from the stop or corridor and if not

1 more than 10 percent of the residential units or 100 units,  
2 whichever is less, in the project are farther than one-half mile from  
3 the stop or corridor.

4 *SEC. 2. Section 21155.2 of the Public Resources Code is*  
5 *amended to read:*

6 21155.2. (a) ~~A~~ *Notwithstanding subdivision (b) of Section*  
7 *21155 and for purposes of this section, a project shall be*  
8 *considered to be within one-half mile of a major transit stop or*  
9 *high-quality transit corridor if all parcels within the project have*  
10 *no more than 50 percent of their area farther than one-half mile*  
11 *from the stop or corridor and if not more than 10 percent of the*  
12 *residential units or 100 units, whichever is less, in the project are*  
13 *farther than one-half mile from the stop or corridor.*

14 (b) A transit priority project that has incorporated all feasible  
15 mitigation measures, performance standards, or criteria set forth  
16 in the prior applicable environmental impact reports and adopted  
17 in findings made pursuant to Section 21081, shall be eligible for  
18 either the provisions of subdivision ~~(b)~~ *or (c) or (d).*

19 ~~(b)~~

20 (c) A transit priority project that satisfies the requirements of  
21 subdivision ~~(a)~~ (b) may be reviewed through a sustainable  
22 communities environmental assessment as follows:

23 (1) An initial study shall be prepared to identify all significant  
24 or potentially significant impacts of the transit priority project,  
25 other than those ~~which~~ *that* do not need to be reviewed pursuant  
26 to Section 21159.28 based on substantial evidence in light of the  
27 whole record. The initial study shall identify any cumulative effects  
28 that have been adequately addressed and mitigated pursuant to the  
29 requirements of this division in prior applicable certified  
30 environmental impact reports. Where the lead agency determines  
31 that a cumulative effect has been adequately addressed and  
32 mitigated, that cumulative effect shall not be treated as  
33 cumulatively considerable for the purposes of this subdivision.

34 (2) The sustainable communities environmental assessment  
35 shall contain measures that either avoid or mitigate to a level of  
36 insignificance all potentially significant or significant effects of  
37 the project required to be identified in the initial study.

38 (3) A draft of the sustainable communities environmental  
39 assessment shall be circulated for public comment for a period of  
40 not less than 30 days. Notice shall be provided in the same manner

1 as required for an environmental impact report pursuant to Section  
2 21092.

3 (4) Prior to acting on the sustainable communities environmental  
4 assessment, the lead agency shall consider all comments received.

5 (5) A sustainable communities environmental assessment may  
6 be approved by the lead agency after conducting a public hearing,  
7 reviewing the comments received, and finding ~~that~~ *all of the*  
8 *following*:

9 (A) All potentially significant or significant effects required to  
10 be identified in the initial study have been identified and analyzed.

11 (B) With respect to each significant effect on the environment  
12 required to be identified in the initial study, either of the following  
13 apply:

14 (i) Changes or alterations have been required in or incorporated  
15 into the project that avoid or mitigate the significant effects to a  
16 level of insignificance.

17 (ii) Those changes or alterations are within the responsibility  
18 and jurisdiction of another public agency and have been, or can  
19 and should be, adopted by that other agency.

20 (6) The legislative body of the lead agency shall conduct the  
21 public hearing or a planning commission may conduct the public  
22 hearing if local ordinances allow a direct appeal of approval of a  
23 document prepared pursuant to this division to the legislative body  
24 subject to a fee not to exceed five hundred dollars (\$500).

25 (7) The lead agency's decision to review and approve a transit  
26 priority project with a sustainable communities environmental  
27 assessment shall be reviewed under the substantial evidence  
28 standard.

29 ~~(e)~~

30 (d) A transit priority project that satisfies the requirements of  
31 subdivision ~~(a)~~ (b) may be reviewed by an environmental impact  
32 report that complies with all of the following:

33 (1) An initial study shall be prepared to identify all significant  
34 or potentially significant effects of the transit priority project other  
35 than those that do not need to be reviewed pursuant to Section  
36 21159.28 based upon substantial evidence in light of the whole  
37 record. The initial study shall identify any cumulative effects that  
38 have been adequately addressed and mitigated pursuant to the  
39 requirements of this division in prior applicable certified  
40 environmental impact reports. ~~Where~~ *If* the lead agency determines

1 that a cumulative effect has been adequately addressed and  
2 mitigated, that cumulative effect shall not be treated as  
3 cumulatively considerable for the purposes of this subdivision.

4 (2) An environmental impact report prepared pursuant to this  
5 subdivision need only address the significant or potentially  
6 significant effects of the transit priority project on the environment  
7 identified pursuant to paragraph (1).~~It~~ *The lead agency* is not  
8 required to analyze off-site alternatives to the transit priority  
9 project.~~It~~ *The lead agency* shall otherwise comply with the  
10 requirements of this division.

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